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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,841	06/24/2003	Kevin Patrick Durham	954619-1009	9287

7590 10/19/2004

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EXAMINER

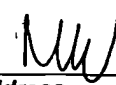
PEAVEY, ENOCH E

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/602,841	DURHAM, KEVIN PATRICK	
	Examiner	Art Unit	
	Enoch E Peavey	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>24 June 2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Penza, US No. 6,510,868. Penza discloses a sealing element (fig. 3) comprising elastomeric material (Col. 12, lines 49-50). The seal element (130) comprises part of a reciprocating gas compressor valve (100). The valve is a ported plate valve (1 formed by seat 110 and guard 120).
3. With regard to claims 1-34 the claims are being examined as they pertain to the sub-combination of a sealing element, therefore the particular type of gas valve in which the seal element is located is given little patentable weight. Further, the operating temperature and pressure is considered to be inherent in the elastomeric material because applicant has not structurally differentiated the material of the instant invention from that of the prior art.

4. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Jainek et al., US No. 6,234,194. Jainek discloses a sealing element (formed by 7, 9, 15 and coating) comprising elastomeric material (optional coating, Col. 1, line 64). A layer of elastomeric material (optional coating) may be bonded to the substrate (7, 9, 15).

5. The claims are being examined as they pertain to the sub-combination of a sealing element, therefore the particular type of gas valve in which the seal element is located is given little patentable weight. Further, the operating temperature and pressure is considered to be inherent in the elastomeric material because applicant has not structurally differentiated the elastomeric material of the instant invention from that of the prior art.

6. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al., US No. 5,088,521. Johnson discloses a sealing element (formed by 101 and 102) comprising elastomeric material (102). A layer of elastomeric material (102) may be bonded (Col. 5, lines 58-60) to a substrate (101). The elastomeric material may be made of rubber.

7. The claims are being examined as they pertain to the sub-combination of a sealing element, therefore the particular type of gas valve in which the seal element is located is given little patentable weight. Further, the operating temperature and pressure is considered to be inherent in the elastomeric material because applicant has not structurally differentiated the elastomeric material of the instant invention from that of the prior art.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be

patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penza in view of Jainek. Penza discloses substantially the same seal as applicant (e.g. the embodiment where the seal plate is formed of stainless steel, Col. 4, lines 40-41) except for the sealing element having at least one layer of elastomeric material. Jainek discloses coating a sheet metal seal (Col. 1, line 64) in order to provide a good long lasting seal against a housing. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the seal of Penza as taught by Jainek in order to provide a good long lasting seal against the seals housing.

9. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penza in view of Jainek. Penza discloses substantially the same gas compressor valve as applicant except for the valve being a single element non-concentric valve. Jainek discloses such a valve (FIG. 1) in order to provide flow through a non-concentric single element. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Penza as taught by Jainek in order to provide the gas compressor provide flow through a non-concentric single element.

10. Claims 1-34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Penza in view of Basset, US No. 5,511,583. Penza discloses substantially the same gas compressor valve as applicant except for the valve being a concentric ring valve. Basset discloses such a valve (FIG. 1) in order to provide flow through a concentric ring element. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Penza as taught by Basset in order to provide the gas compressor provide flow through a concentric ring element.

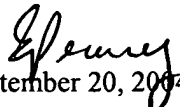
11. Claim 1-34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Penza in view of Jainek as applied to claims 1-34 in paragraph 9 above, and further in view of Basset. Penza and Jainek discloses substantially the same seal as applicant except for the valve being a concentric ring valve. Basset discloses such a valve in order to provide flow through a concentric ring element. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Penza and Jainek as taught by Basset in order to provide the gas compressor provide flow through a concentric ring element.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Enoch E Peavey whose telephone number is 305 1977. The examiner can normally be reached on Mon-Fri 8:00 am to 4:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 1113.

Enoch E Peavey
Art Unit 3676


September 20, 2004